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“The Paradoxes of State Power” by Gary Gerstle

April 3, 2013 - Université Paris-Sorbonne (Paris IV)

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- 1 "Power," its nature and definition, is the core *problematique* of political philosophy's more ambitious academic oeuvres: among them Hobbes' *Leviathan* that has, over the course of the last three centuries, provided a vocabulary to reflect upon the state, rights, and social contract between sovereign political entities and individuals with curtailed liberties (Hobbes, 2010). In more recent works of political philosophy, power as an objective "good" has been further "problematized": Conspicuous among these critical readings has been Foucault's characterisation of contemporary state power as pervasive and perhaps even imperceptible, intricately embedded into discourses, and norms through processes that disturb notions of structure and agency. In a similar manner, Foucault challenges "negative" readings of the effects of power as exclusory, repressive, resulting in censorship, and contributing to restrictions of individual liberty. Power, Foucault contends, is not only pervasive but "productive"—"productive" to the degree that it participates in the creation of reality and various schemas of truth (Foucault, 1991).
- 2 Contemporary analyses of state power and its effects in the United States engage with similar, long standing preoccupations with structure, agency, social contract, the limits of sovereign state power, and the extent of individual liberties. Discourse on a broad range of policy concerns—ranging from "the carceral state," homeland security in a post 9/11 context, immigration, to more recent concerns with surveillance of electronic communications—reflects interest in furthering political philosophy's longstanding preoccupation with arriving at a conceptualisation of "power."
- 3 Professor Gary Gerstle's reflection on US State power as exercised through institutional mechanisms over time enters into the discussion of power through the academic disciplinary lens of History. For those who would perceive power as pervasive, the choice to focus on US state power as exercised through institutions may obstruct considerations of how power and its effects interact with other "sites" beyond political

institutions. One such "site," to argue along with Foucault, is the body, whose regulation, movement, and discipline offer an opportunity to reflect upon state power and its evolution over time. Nonetheless, Gerstle perhaps works toward different ends.

- 4 The James G Stahlmann professor of American History at Vanderbilt University, Gary Gerstle, led a discussion on the nature of the American state and the extent of its power. Drawing upon historical research from the late 18th to the 20th centuries, Professor Gerstle placed particular emphasis on the contradictory nature of political power in the US as constrained yet intrusive, as both subject and actor over the trajectory of US history.
- 5 In one iteration of the American state and its power, the state has been constructed in popular narrative and political discourse as an institution predicated upon constrained central government power. This has been celebrated in the narrative of the "empowered American" capable of upward social mobility and self-determination in the absence of political constraint. A broader infrastructure of diffuse political power shared by a network of sub national jurisdictions has also served to construct a liberal conception of State and power in the US. More importantly, the Constitution and its schema of inalienable rights have served to strengthen the narrative of a liberal American state with restricted jurisdictional reach.
- 6 Nonetheless, this liberal reading of the state and its power has historically dialogued with an antithetical conceptualisation of the American state as an illiberal entity equipped with broad capacities of coercion, surveillance, and repression. In this respect, the sovereignty of states has provided the basis for the intrusive exercise of power to regulate morality and curtail civil liberties. This has historically found justification in the policing function of individual states for the maintenance of public order inherited from colonial modes of governance and social control. Illiberal governance rested at the core of policies of segregation, the prohibition of interracial marriage in several states in both the north and south, and the stringent policing of public behaviour in Post-civil war United States until the 1960s.
- 7 This "paradox of (liberal and illiberal) state power" found resolution in the culmination of three critical crises: the crisis of capital in the wake of the great depression, a security crisis in the eruption and end of the second world war, and the socio-cultural crises around race and identity over the course of the 1960s and 1970s. Compelled to strengthen the role of central government to respond to these socio-cultural evolutions, the latter half of the 20th century witnessed the gradual expansion of the functions of central government and the erosion of state-level sovereignty. Ideologically, this implied the ascendancy of a liberal conceptualisation of the American state that had found consistent expression in federal level discourses, institutions, and governance practices. In effect, the demand for an expanded role for central government wrought the resolution of the ideological paradox of the simultaneously liberal and illiberal State. An expanded role for central government meant the ascendancy of a liberal thesis of American statehood and power that had hitherto contended with illiberal state-level governance practices.
- 8 Yet, in the resolution of this paradox, a new one has become manifest: an expanded set of responsibilities and activities for a liberal central government has not occurred with a corresponding expansion of constitutional authority. The range of administrative and other activities demanded of central government has gradually expanded from the 1960s to the present. The activities of central government have incorporated a greater

social welfare function and a stronger propensity to police and regulate economic and socio-cultural life. Nonetheless, while the 1960s and 1970s ushered in a "large scale governance overhaul," the constitutional and political bases of power for central government have not expanded to a similar extent. Thus, a new paradox of state power has subsequently emerged: that of a central government with increased administrative power yet retaining restricted political authority.

- 9 The significance of a strengthened central government authority—and the resultant paradox discussed above—presents an opportunity for reflection upon the constitutional, administrative, political and socio-cultural implications of a reconfigured infrastructure of power in the United States. Some of these came under discussion in response to Professor Gerstle's reflections. At the least, the reconfiguration of power presents an opportunity for further study of the constitutional legitimacy of an increasingly powerful central government.
- 10 As the nature of contemporary security threats evolves to encompass environmental and ideologically based terrorism among other transnational security threats—the notion of a liberal central government authority also calls for careful reconsideration of the nature of State and power in the United States. In the early 2000s, the "declaration" of a "war on terror" warranted the broad use of coercion and the imposition of legislative instruments that justify the violation of civil liberties in the interest of national security. This demands further inquiry into the evolution of power in light of contemporary transnational security threats.
- 11 The contemporary dialogue between social movements and state power also demands a new and careful interrogation. Social movements on both the left and right ends of the political spectrum have struggled to effect social change. This has been a consequence of the ideological tensions presented through Gerstle's discussion of the paradoxes of state power in the US. Indeed, the landmark social movements of the 1960s and 70s only emerged after close to two centuries of dialogic tension between the liberal and illiberal strands of power at central and state-levels. Nonetheless, collective action performs an important function in the articulation of both progressive and regressive theories of governance and of state—as has been recently manifest in the emergence of the Occupy and Tea Party movements. Consideration of the interaction of collective voice with institutions of state in an era of expanded central government power promises to yield insight into the contemporary evolution of the American state and its power. Gerstle's upcoming research attends to this interaction between social movements and State, among other lines of inquiry.

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